HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No. 1539 of 2004

Between:

Tumati Peda Bixama Reddy

... Petitioner

And

Union of India represented by its
Deputy Secretary, Ministry of Home Affairs,
Freedom Fighters Division,
New Delhi and others.

... Respondents

:: ORDER::

Counsel for the Petitioner: Sri Kowturu Vinaya Kumar

Counsel for Respondent No.1: Smt P.Raghamma

Counsel for Respondent Nos.
2 and 3. : Government Pleader for Revenue

September 12, 2006

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In this petition, the petitioner has prayed for issue of a mandamus to the respondents to grant him Pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

Learned Government Pleader for Revenue says that de hors the controversy regarding onward transmission of the application made by the petitioner for grant of pension under the 1980 Scheme, the matter can be examined afresh by the committee constituted by the State Government vide G.O.Rt.No.1680, dated 2-8-2006.

Learned Central Government Standing Counsel says that as and when recommendations made by Government of Andhra Pradesh are received by the concerned authority of the Ministry of Home Affairs (Freedom Fighters Division), appropriate decision will be taken on the petitioner's claim for grant of pension under the 1980 Scheme.

In view of the statement made by the learned Government Pleader for Revenue and learned Central Government Standing Counsel, the writ petition is disposed of with the following directions:

1) Within 7 days from today, the petitioner shall submit an application together with attested copies of the documents to the Committee constituted by the Government of Andhra Pradesh vide G.O.Rt.No.1680, dated 2-8-2006.

2) Within two months, the Committee shall scrutinize the

application and documents of the petitioner and submit report to the Secretary to Government of Andhra Pradesh, Revenue Department (Freedom Fighters Division) on the eligibility and entitlement of the petitioner to get pension under the 1980 Scheme. If the Committee opines that the petitioner is not eligible/entitled to receive pension under the 1980 Scheme, then the same be communicated to him at the end of two months period.

3) In that event, the petitioner shall be free to avail appropriate legal remedy against the rejection of his claim for grant of pension under the 1980 Scheme.

4) If the Committee's report is favourable to the petitioner, then the Secretary to the Government of Andhra Pradesh, Revenue Department (Freedom Fighters Division) shall forward the same to the Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division).

5) Within two months from the date of receipt of the said communication of the Government of Andhra Pradesh, the concerned authority, Government of India shall scrutinize and decide the petitioner's claim for pension under the 1980 Scheme.

6) If his claim is found genuine, then appropriate direction be given to the concerned authority for release of pension to the petitioner.

7) If the competent authority comes to the conclusion that the petitioner is not entitled to get pension, then decision in this regard be communicated to the him at the end of two months period.

G.S. SINGHVI, CJ

September 12, 2006

GRR